

United States District Court
for the Western District of PennsylvaniaUnited States of America,
v.

)

15cr168

Frederick Banks,
Defendant.

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,

RENEWED MOTION FOR DISCOVERY; AND
DEFENDANT'S NOTICE REGARDING DISCOVERYCLERK'S OFFICE
WEST. DIST. OF PENNSYLVANIA
MAR 08 2018
DISTRICT COURT

FILED

Defendant Frederick Banks, an American Indian, alleges for his renewed motion for discovery and notice regarding discovery as follows:

1. over two weeks ago counsel Marvin Miller was appointed to this case. A few days later defendant initiated contact with counsel by telephone upon arrival at the Mahoning County Justice Center. On the phone call defendant advised counsel to file a FLSA Motion to Disclose Electronic Surveillance under 50 USC § 1806(f) and to provide him with all the Discovery, Docket, Transcripts and a Computer Laptop and printer.
2. During the period in this case the government has been engaged in a ruthless and illegal game of dirty pool to dislodge defendant from his discovery.
3. For example without notice US Marshall Dennis Walker unlawfully transferred defendant to Mahoning County Justice Center, a Lame brain County Jail. All of defendant's discovery, legal documents and personal items could not be brought with him and defendant has no way to retrieve them. As such if defendant loses any of his criminal or civil cases US Marshal Walker is liable and responsible for those losses as is the government.
4. Counsel does not accept defendant's collect calls and Mahoning County Justice center does not allow direct prepaid calls from the unit. Thus, the one chance defendant could contact his lawyer was when he arrived at the jail. Defendant had no way to notify the courts in his other pending legal actions because he can't call them or contact anyone to receive the address to write them. The government has been actively obstructing

Defendant's ongoing litigation since this case began and the FBI arrested defendant because he filed 28 e-jo lawsuits against an FBI agent. The discovery violations in this case are atrocious and ridiculous, unconstitutional and illegal. Moreover, this case has been unnecessarily drawn out in violation of the Speedy Trial Act. And defendant objects under the 6th Amendment and Statutory Right to a speedy trial.

5. In the Record in this case the government stated that no later than 2/16/2018 the FBI would provide all of the discovery to counsel. To date defendant has received no discovery!!!

Yet he has been confined for over 31 months. How long will this blatant violation of discovery be allowed to continue?

The Court should be aware that there is a 3rd Circuit memorandum action pending to compel the Court and the government to provide the discovery.

6. DEFENDANT CANNOT REACH COUNSEL AND HAS NONE OF THE DISCOVERY OR TRANSCRIPTS, NOTES, MOTIONS, DOCKET; NOTHING!!! This Court should dismiss this case for discovery violations.

7. The Court found defendant incompetent to represent himself yet defendant prepared a Motion to Dismiss, motion for Bail and Defense Sentencing Memorandum in USA v. Devlinshire (app'd) (ECF #88) and as a result of that Motion Devlinshire's plea letter was reduced from 168 months to 80 months with the possibility left open for further reductions at sentencing. In other words Devlinshire already received 88 months off and a binding plea because of a Motion defendant hand wrote off the top of his head. Yet this Court and the government continue to claim he is incompetent.

to represent himself and keep his discovery from him. This Court should vacate its order finding Defendant Incompetent and allow him to represent himself.

8. Defendant has learned that to view the discovery he needs another Court order directed against Sheriff Terry Greene and the Mahoning County Justice Center staff to receive a Laptop computer. Federal inmates here possess their own Laptops. Defendant moves the court to order the Federal Public Defender and/or counsel to immediately provide him with a Laptop computer, All Discovery and Lexis Nexus with Federal decisions pre-loaded onto the Laptop and a printer. There is no Law Library at Mahoning County Justice Center. Two weeks ago Defendant requested a legal call and information in the Bond Appeal from this case from Akron University who provide services to jail inmates but to date Defendant has not been provided these requests.

9. Because the government is in clear violation of their discovery obligations and defendant can't reach defense counsel this court should dismiss this case and/or order that defendant be transferred to Renewal Center so that he can access a law library & meet regularly with counsel.

Therefore, the foregoing motion should be granted along with all other requested and warranted relief.

Respectfully Submitted,

Frederick Banks

Certificate of Service

I hereby certify that on the 3rd day of March, 2018 I 110 Fifth Avenue
served a true & correct copy of the foregoing by #0063533
mail delivery upon the following; office of the U.S. Attorney
4000 U.S. Courthouse
700 Grant Street
Youngstown, OHIO 44503 